

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 1, 1999

ALL COUNTY LETTER NO. 99-58

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERSSUBJECT: AID TO FAMILIES WITH DEPENDENT
CHILDREN-FOSTER CARE (AFDC-FC) PROGRAM-NORMAN v. MCMAHON
COURT CASE AND ASSEMBLY BILL 2773 (CHAPTER 1056, STATUTES OF
1998)**REASON FOR THIS TRANSMITTAL**

- ☒ State Law Changes
- ☐ Federal Law of Regulations
Change
- ☐ Court Order or Settlement
Agreement
- ☐ Clarification Requested by
One or More Counties
- ☐ Initiated by CDSS

REFERENCE: ELIGIBILITY AND ASSISTANCE STANDARDS (EAS) MANUAL
SECTION 45-101(r)(1)

SUPERSEDES: ALL COUNTY LETTER 94-41

The purpose of this All County Letter (ACL) is to inform counties of the effect of the passage of Assembly Bill (AB) 2773 on the Norman v. McMahon court decision.

In December 1990, the State Court of Appeals found that the portion of EAS Section 45-101(r)(1) (then 45-101[ee]) which provided that former step-parents are relatives for purposes of State AFDC-FC, was void. This section departed from the definition of relative contained in applicable State statute [Welfare and Institutions Code (WIC) 11400(m)], which referenced a narrow definition in federal statute.

AB 2773 modified WIC 11400(m) in that it removed the cross reference to federal statute and simply listed those persons considered relatives (including former step-parents). Accordingly, the Norman v. McMahon court case no longer applies to the definition of relative for State AFCD-FC purposes. Consequently, all relatives listed in EAS 45-101(r)(1) are relatives for both the State and federal AFCD-FC Programs.

Children living with former step-parents and receiving State AFDC-FC as of the date of this letter, shall continue to be eligible for State AFCD-FC with that relative. The new definition applies to new cases only.

If you have any questions about this ACL, please contact your Foster Care Funding consultant at (916) 324-5809.

Sincerely,

Original Signed by
Wesley A. Beers 9/10/99WESLEY A. BEERS
Acting Deputy Director
Children and Family Services Division